Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

DEVAL L. PATRICK
Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

June 28, 2013

Mr. Joe Forcucci
Senior Director, Manufacturing Operations
Waters Technologies Corporation
177 Robert Treat Paine Drive
Taunton, Massachusetts 02780

RE: Taunton
Transmittal No.: X239031
Application No.: SE-11-024
Class: SM80-7
FMF No.: 130286
AIR QUALITY PLAN APPROVAL

Dear Mr. Forcucci:

The Massachusetts Department of Environmental Protection ("MassDEP"), Bureau of Waste Prevention, has reviewed your Non-major Comprehensive Plan Application ("Application") listed above. This Application concerns the proposed alteration and operation of the existing regenerative thermal oxidizer at your chromatographic material manufacturing facility located at 177 Robert Treat Paine Drive, Taunton, Massachusetts ("Facility"). The Application bears the seal and signature of David M. Cotter, Massachusetts Registered Professional Engineer number 49068.

This Application was submitted in accordance with 310 CMR 7.02 Plan Approval and Emission Limitations as contained in 310 CMR 7.00 "Air Pollution Control," regulations adopted by MassDEP pursuant to the authority granted by Massachusetts General Laws, Chapter 111, Section 142 A-J, Chapter 21C, Section 4 and 6, and Chapter 21E, Section 6. MassDEP's review of your Application has been limited to air pollution control regulation compliance and does not relieve you of the obligation to comply with any other regulatory requirements.

MassDEP has determined that the Application is administratively and technically complete and that the Application is in conformance with the Air Pollution Control regulations and current air pollution control engineering practice, and hereby grants this **Plan Approval** for said Application, as submitted, subject to the conditions listed below.

Please review the entire Plan Approval, as it stipulates the conditions with which the Facility owner/operator ("Permittee") must comply in order for the Facility to be operated in compliance with this Plan Approval.

1. DESCRIPTION OF FACILITY AND APPLICATION

Waters proposes to modify the existing regenerative thermal oxidizer by installation of catalyst-coated ceramic block. The purpose of the modification is to reduce the temperature at which volatile organic compounds (VOCs) are destroyed. Currently, the oxidizer operates at a temperature of 1,500 degrees Fahrenheit (°F). The addition of the catalyst-coated block will reduce the operating temperature of the oxidizer to 800 °F. This reduction in operating temperature will reduce fuel use and emissions of the products of combustion. In conjunction with installing the catalyst, Waters is proposing to increase the exhaust capacity for the oxidizer from 60,000 standard cubic feet per minute (scfm) to 65,000 scfm.

The oxidizer with the catalyst-coated block installed is designed to achieve 97.5% destruction efficiency when operating at inlet VOC loading rates in excess of 500 ppmv. Based on historical operational records VOC loading at the inlet to the RTO, the 500 ppmv level is exceeded only 0.3% of the operational up-time. Therefore, Best Available Control Technology (BACT) for the retrofitted RTO has been identified as a maximum emission rate of 14 ppmv for VOC loading rates ranging from 200 ppmv to 500 ppmv and 7 ppmv for VOC loading rates less than 200 ppmv. To demonstrate BACT compliance, the recorded time for periods when the inlet concentration to the RTO exceeds 500 ppmv shall not exceed 0.3% of the total annual up-time for the RTO.

BACT for NOx emissions are based on a manufacturer's guarantee of 15 ppmv at the outlet of the RTO at an exhaust volume of 65,000 scfm. Based on a maximum burner capacity of 12.4 MMBtu/hr this equates to a NOx emission rate of 0.565 lbs of NOx per MMBtu of fuel combusted.

Waters vents the entire main production area to the oxidizer, achieving 100 percent capture of process emissions in accordance with U.S. Environmental Protection Agency (USEPA) Method 204, as contained in 40 CFR 51, Appendix M.

The MegTec regenerative thermal oxidizer, as modified by this approval, will have a nominal capacity of 65,000 scfm, and an effective combustion chamber volume of 2,550 cubic feet. The oxidizer is equipped with one (1) North American Hi-Ram 4575-13 natural gas fired burner that has a maximum heat input rating of 12.4 million Btu per hour (MMBtu/hr).

Waters maintains a tank farm to store both virgin material and waste material. Total emissions from the tank farm are less than one ton per year. The storage tanks are exempt from plan approval in accordance with MassDEP Regulations at 310 CMR 7.02(2)(b)7 "De minimis Increase in Emissions."

Waters maintains two laboratories at the facility. The Technical Support Lab consists of laboratory scale activities for research and development. The second lab is for quality control

assurance, quality control testing, and laboratory scale activities as defined by the Occupational Safety and Health Administration (OSHA). Both laboratories are exempt from plan approval requirements in accordance with MassDEP Regulations at 310 CMR 7.02(2)(b)16, which references 310 CMR 7.00, Appendix C, (5)(i)18.c and d.

Particle sizing operations are located in a separate area, designated as Suite 3. With the exception of the Oasis product, VOCs are not used when processing any products. Emissions of VOC from the Oasis product will be nominal and managed as exempt from plan approval in accordance with MassDEP Regulations at 310 CMR 7.02(2)(b)7. "*De minimis* Increase in Emissions."

Waters operates additional external combustion sources, currently consisting of five natural gas fired heating ventilation and air conditioning (HVAC) units. Each HVAC unit has a maximum heat input rate of less than 10 MMBtu/hr. In accordance with MassDEP Regulations at 310 CMR 7.02(2)(b)15.a., combustion sources with a maximum heat input of less than 10 MMBtu/hr per unit are not subject to (i.e. are exempt from) plan application filing and approval requirements. The emissions from all fuel burning equipment, including the exempt units and oxidizer, are quantified in this Plan Approval to establish Waters as a non-Major source of combustion emissions. Emissions from all fuel burning equipment, including the oxidizer, are based on 8,760 hours of operation per year, with exception of the emergency generator, which is limited to 300 hours of operation per year.

Waters has an obligation to maintain appropriate records and perform any necessary reporting as required by MassDEP Regulations at 310 CMR 7.02(2)(e) and (f) to maintain compliance with the respective exempt statuses. Emissions from the exempt activities are included in the Facility's emission totals.

2. EMISSION UNIT (EU) IDENTIFICATION

Each Emission Unit (EU) identified in Table 1 is subject to and regulated by this Plan Approval:

Table 1

EU#	Description	Design Capacity	Pollution Control Device (PCD)
1	Main Production Area	65,000 scfm 12.4 MMBtu per hour	Megtec Systems CleanSwitch 600-95
2	Cleaver Brooks boiler Model M4HP-100-2500	2.5 MMBtu per hour No. 2 fuel oil	None
3	Cleaver Brooks boiler Model M4HP-100-4500	4.5 MMBtu per hour natural gas & No. 2 fuel oil	None

Table 1			
EU#	**Description**	**Design Capacity**	**Pollution Control Device (PCD)**
4	Cleaver Brooks boiler Model M4W-100-6000	5.99 MMBtu per hour No. 2 fuel oil	None
5	Cummins generator Model N855-GC	160 KW ULSD	None
6	Cummins fire pump Model N-855-F	218 hp 1.64 MMBtu per hour ULSD	None

Table 1 Key:
EU# = Emission Unit Number
PCD = Pollution Control Device
scfm = standard cubic feet per minute
MMBtu per hour = million British thermal units per hour
KW = kilowatts+
ULSD = ultra low sulfur distillate

The three Cleaver Brooks boilers and the emergency generator were previously approved by MassDEP. All previous approvals have been superseded by this Plan Approval. In addition, the Permittee has installed two new Camus Dynaforce boilers, each rated at 3.0 MMBtu per hour and fire natural gas as the exclusive fuel. These boilers are exempt from plan approval per MassDEP Regulations at 310 CMR 7.02(2)15.a.

3. APPLICABLE REQUIREMENTS

A. OPERATIONAL, PRODUCTION and EMISSION LIMITS

The Permittee is subject to, and shall not exceed the Operational, Production, and Emission Limits as contained in Table 2 below:

Table 2			
EU#	**Operational / Production Limit**	**Air Contaminant**	**Emission Limit**
1	1. Capture efficiency = 100% 2. Temperature of secondary chamber ≥ 800ºF. 3. Residence time at minimum temperature ≥ 0.99 seconds at max flow rate 4. Hours of operation ≤ 8,640 hours per consecutive 12-month period. 5. VOC loading at or above 500 ppmv ≤ 0.3% of operating hours per consecutive 12-month period.	VOC	7 ppmv[1] for VOC loading ≤ 200 ppmv 14 ppmv[1] for VOC loading >200, ≤ 500 ppmv 97.5% for VOC loading > 500 ppmv 7.15 lbs/hr 2.6 TPM 30.9 TPY - process 0.3 TPY – RTO fuel burning
		HAPs single	2.31 lbs/hr 0.8 TPM 9.98 TPY
		HAPs total	4.50 lbs/hr 1.6 TPM 19.44 TPY
		Non-criteria pollutants	4.16 lbs/hr 1.5 TPM 17.98 TPY
	6. Natural gas shall be the exclusive fuel of use.	NOx	15 ppmv 7.0 lb/hr 2.6 TPM 30.7 TPY
		CO	25 ppmv 7.1 lbs/hr 2.6 TPM 31.1 TPY
		PM / PM_{10} / $PM_{2.5}$	0.09 lb/hr 0.03 TPM 0.4 TPY
		SO_2	0.01 lb/hr 0.003 TPM 0.03 TPY
	7. None	Opacity	0 %
2,3,4	8. fuel oil with sulfur content ≤ 0.3 percent by weight 9. EU 3 is dual fuel, which also uses natural gas	NOx	10.8 TPY
		CO	5.2 TPY
		PM	1.0 TPY
		VOC	0.3 TPY
		SO_2	17.4 TPY
5	10. fuel oil sulfur content ≤ 0.0015% by weight	NOx	0.7 TPY
		CO	0.2 TPY

Table 2			
EU#	**Operational / Production Limit**	**Air Contaminant**	**Emission Limit**
	(ultra-low sulfur distillate fuel) 11. Hours of operation ≤ 300 hours per consecutive 12-month period.	PM	0.1 TPY
		VOC	0.1 TPY

Table 2 Key:
EU# = Emission Unit Number
NO_x = Nitrogen Oxides
CO = Carbon Monoxide
SO_2 = Sulfur Dioxide
PM = Total Particulate Matter
PM_{10} = Particulate Matter less than or equal to 10 microns in diameter
$PM_{2.5}$ = Particulate Matter less than or equal to 2.5 microns in diameter
VOC = Volatile Organic Compounds
HAP (single) = maximum single Hazardous Air Pollutant
HAPs (total) = total Hazardous Air Pollutants
ppmv = parts per million by volume
TPM = tons per month
TPY = tons per consecutive12-month period
^oF = degrees Fahrenheit

Notes:
1. as methanol

B. COMPLIANCE DEMONSTRATION

The Permittee is subject to, and shall comply with, the monitoring, testing, record keeping, and reporting requirements as contained in Tables 3, 4, and 5 below:

Table 3

EU#	Monitoring and Testing Requirements
1	1. The Permittee shall install a USEPA Method 25A continuous monitor, or other similar monitor as approved for use by the MassDEP, as a continuous monitoring system at the inlet of the RTO/Catalyst system. The continuous monitor shall be considered an operational indicator and will not be considered a direct compliance monitor. The continuous monitor inlet concentration measurements will be recorded and monthly averaged. Monthly emission will be calculated based on the average monthly inlet concentration, and measured average monthly exhaust flow. Monthly and 12-month rolling emissions will be calculated as follows: a. When the average inlet concentration is less than 200 ppmv (as C1) an outlet concentration of 7 ppmv (as C1) will be assumed, b. When the inlet concentration is between 200 ppmv and 500 ppmv (as C1), then an outlet concentration of 14 ppmv (as C1) will be assumed, c. When the inlet concentration is equal to or greater than 500 ppmv (as C1), a destruction removal efficiency of 97.5% will be assumed. The continuous monitor shall be maintained and operated in accordance with USEPA Method 25A and with the manufacturer's requirements.
	2. The Permittee shall demonstrate the ability of the oxidizer to maintain the VOC control efficiency, at or above the levels established in this Plan Approval by conducting emissions testing. The Permittee shall also demonstrate the ability of the oxidizer to maintain emission rates for VOC, NOx, and CO as stated in Table 2 of this Plan Approval. The VOC emission rate shall be demonstrated at a VOC loading less than 200 ppmv, at a VOC loading rate between 200 ppmv and 500 ppmv, and at a VOC loading rate in excess of 500 ppmv
	3. An initial emission test shall be completed within 90 days after date of modification of the oxidizer.
	4. The Permittee shall retest the oxidizer once every three years from the date of the initial compliance test or at a frequency agreed to by MassDEP. The retesting shall demonstrate the ability of the oxidizer to maintain emission rates for VOC, NOx, and CO as stated in Table 2 of this Plan Approval. The VOC emission rate shall be demonstrated at a VOC loading less than 200 ppmv and at a VOC loading rate between 200 ppmv and 500 ppmv, and at a VOC loading rate in excess of 500 ppmv
	5. The Permittee shall install and operate a temperature recorder on the oxidizer to continuously record the temperature at the downstream end of the combustion chamber, as measured by a sensing device. The Permittee shall maintain the output to document that the oxidizer is being operated at the minimum temperature, as established in Table 2 of this Plan Approval.
Facility-wide	6. All compliance testing shall be conducted in accordance with the test methods and procedures set forth in 40 CFR Part 60, Appendix A; 310 CMR 7.00, Section 7.13; and this Plan Approval. The dates and times for conducting the emission compliance test shall be coordinated with MassDEP personnel of this office for a mutually agreed upon schedule for testing.

Table 3	
EU#	**Monitoring and Testing Requirements**
	7. The Permittee shall monitor all operations to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.
	8. If and when MassDEP requires it, the Permittee shall conduct emission testing in accordance with USEPA Reference Test Methods and regulation 310 CMR 7.13

Table 3 Key:
EU# = Emission Unit Number
ppmv = parts per million by volume
C1 = methanol
USEPA = United States Environmental Protection Agency

Table 4	
EU#	**Record Keeping Requirements**
1	1. The Permittee shall maintain record of the data from the USEPA method 25A continuous monitor.
	2. The Permittee shall maintain on-site, an up to date copy of the Standard Operating Procedures (SOP) and the Standard Maintenance Procedures (SMP) for the process equipment and emission control equipment approved herein.
Facility-wide	3. The Permittee shall maintain adequate records on-site to demonstrate compliance with all operational, production, and emission limits contained in Table 2 above. Records shall also include the actual emissions of air contaminant(s) emitted for each calendar month and for each consecutive twelve month period (current month plus prior eleven months). These records shall be compiled no later than the 15th day following each month. An electronic version of the MassDEP approved record keeping form, in Microsoft Excel format, can be downloaded at http://www.mass.gov/dep/air/approvals/aqforms.htm#report .
	4. The Permittee shall maintain records of monitoring and testing as required by Table 3.
	5. The Permittee shall maintain a copy of this Plan Approval, underlying Application and the most up-to-date SOMP for the EU(s) and PCD approved herein on-site.
	6. The Permittee shall maintain a record of routine maintenance activities performed on the approved EU(s), PCD and monitoring equipment. The records shall include, at a minimum, the type or a description of the maintenance performed and the date and time the work was completed.
	7. The Permittee shall maintain a record of all malfunctions affecting air contaminant emission rates on the approved EU(s) PCD and monitoring equipment. At a minimum, the records shall include: date and time the malfunction occurred; description of the malfunction; corrective actions taken; the date and time corrective actions were initiated and completed; and the date and time emission rates and monitoring equipment returned to compliant operation.

Table 4	
EU#	**Record Keeping Requirements**
	8. The Permittee shall maintain records to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.
	9. The Permittee shall maintain records required by this Plan Approval on-site for a minimum of five (5) years.
	10. The Permittee shall make records required by this Plan Approval available to MassDEP and USEPA personnel upon request.

Table 4 Key:
EU# = Emission Unit Number
PCD = Pollution Control Device
SOMP = Standard Operating and Maintenance Procedure
USEPA = United States Environmental Protection Agency

Table 5	
EU#	**Reporting Requirements**
1	1. The Permittee shall notify MassDEP upon modification of the oxidizer, within 5 days thereof.
	2. A written pretest protocol shall be submitted to this office, for review and approval, at least 30 days prior to the commencement of any emission testing and shall describe the following: • The test methods for the emission testing; • Sampling point locations; • Sampling equipment; • Sampling and analytical procedures; • Parametric emissions monitoring systems (PEMS) to ensure continuous compliance with emissions limitations; • The operating conditions for the required testing, and • The independent third party testing company.

Table 5	
EU#	**Reporting Requirements**
	3. A final emissions test results report must be submitted to this office within 30 days of the completion of testing. The final emissions test report shall include, but not be limited to: • A description of the emission compliance testing program conducted; • Applicable emission limits for which testing was required; • A summary of test results demonstrating compliance and/or noncompliance with applicable limits; • Sampling point locations; • Sampling equipment; • Sampling and analytical procedures; • Actual test methods used; • The actual operating conditions for which the test was conducted, and • The identity of the independent third party testing company.
	4. The Permittee shall submit to MassDEP, a copy of the manufacturer's specifications for the USEPA Method 25A continuous monitor. The specifications shall include the manufacturer's recommended operational and maintenance procedures. The specifications shall be submitted no less than 30 days prior to operation of the modified RTO.
Facility-wide	5. The Permittee shall submit to MassDEP all information required by this Plan Approval over the signature of a "Responsible Official" as defined in 310 CMR 7.00 and shall include the Certification statement as provided in 310 CMR 7.01(2)(c).
	6. The Permittee shall notify the Southeast Regional Office of MassDEP, BWP C&E Chief by telephone 508-946-2817, email, (sero.air@state.ma.us) or fax 508-947-6557, as soon as possible, but no later than one (1) business day after discovery of an exceedance(s) of Table 2 requirements. A written report shall be submitted to C&E Chief at MassDEP within three (3) business days thereafter and shall include: identification of exceedance(s), duration of exceedance(s), reason for the exceedance(s), corrective actions taken, and action plan to prevent future exceedance(s).
	7. The Permittee shall report annually to MassDEP, in accordance with 310 CMR 7.12, all information as required by the Source Registration/Emission Statement Form. The Permittee shall note therein any minor changes (under 310 CMR 7.02(2)(e), 7.03, 7.26, etc.), which did not require Plan Approval.
	8. The Permittee shall provide a copy to MassDEP of any record required to be maintained by this Plan Approval within 30-days from MassDEP's request.
	9. The Permittee shall submit to MassDEP for approval a stack emission pretest protocol, at least 30 days prior to emission testing, for emission testing as defined in Table 3 Monitoring and Testing Requirements.
	10. The Permittee shall submit to MassDEP a final stack emission test results report, within 45 days after emission testing, for emission testing as defined in Table 3 "Monitoring and Testing Requirements."

Table 5 Key:
EU# = Emission Unit Number
USEPA = United States Environmental Protection Agency.

4. SPECIAL TERMS AND CONDITIONS

The Permittee is subject to, and shall comply with, the following special terms and conditions:

A. The Permittee shall comply with the Special Terms and Conditions as contained in Table 6 below:

Table 6

EU#	Special Terms and Conditions
1	1. Under all operating conditions, the air contaminant emissions shall be vented to the oxidizer. Bypassing of control system is not allowed, unless MassDEP approves in writing, or to accommodate immediate malfunction or maintenance needs. In the event that the Permittee does bypass the control system, the Permittee shall comply with Table 6, provision 2 of this Plan Approval.
	2. In the event of failure of the oxidizer, the Permittee may continue operation for a period not to exceed four (4) calendar days, per event. During the month that the malfunction(s) occur(s), the Permittee may have total emissions (VOCs and HAPs), not to exceed 2.5 tons.[1] The Permittee will not be subject to the monthly VOC and HAP emission limitations contained in Table 2 during the affected month. All emissions during a period of oxidizer failure shall be included when determining compliance with the emissions on a consecutive 12-month period basis. The Permittee shall notify MassDEP of use of this provision if the down time of the oxidizer exceeds 24 hours. Notification shall be provided within two business days after failure of the oxidizer. The Permittee shall maintain a record of all events that are less than 24-hours. The Permittee shall make a good faith effort to repair the oxidizer and return it to operation as expeditiously as possible.
Facility-wide	3. Notwithstanding the requirements of Special Condition 1, above, the Permittee may by-pass or shut off the oxidizer when elutriation is the only process running at the facility. Elutriation is a process that only emits acetone and does not emit any criteria pollutants. The acetone emissions from elutriation shall be quantified and accounted as unabated emissions in accordance with Table 1 of this Plan Approval. The Permittee may conduct planned maintenance activities while the oxidizer is shut-down as allowed by this provision.
	4. During installation of the catalyst-coated block, the oxidizer will be shut down and process operations will be operated in accordance with the requirements of Special Condition 2.

[1] The 2.5 tons of emissions corresponds to uncontrolled emissions of 2,064 lbs and controlled emissions of 3,000 lbs. Uncontrolled emissions correspond to the highest emitting batch over its associated 4-day batch period.

Table 6	
EU#	**Special Terms and Conditions**
	5. This Plan Approval supersedes the following Air Quality Plan Approvals, in their entirety: • Approval No. SM-78-024-IF, dated June 5, 1979, • Approval No. SM-78-024-CO, dated August 25, 1978 the underlying application remains valid, • Approval No. SM-81-023-CO, dated July 28, 1981 the underlying application remains valid, • Approval No. 4P89136, dated November 7, 1989, • Approval No. 4P04002, dated August 10, 2004, • Approval No. 4P06035, dated January 19, 2007, • Approval No. 4P08058, dated December 9, 2008, • Approval No. 4P09026, dated November 16, 2009. The above listed Air Quality Plan Approvals, which represents all previous Plan Approvals issued to the facility, shall be deemed null and void.
	6. The Permittee has indicated that the emergency generator is subject to the "National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines" contained in 40CFR63, Subpart ZZZZ. Additionally, the Permittee has indicated that the boilers are subject to the "National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources" contained in 40 CFR 63, Subpart JJJJJJ. MassDEP has not accepted delegation of authority for either Subpart. You are advised to consult with USEPA regarding all aspects of these Subparts, including any notification, recordkeeping, reporting, and monitoring for which you may be subject. The address is: Director Air Compliance Programs, EPA New England, Region 1, 5 Post Office Square - Suite 100, Boston, MA 02109-3912, Attention, Air Compliance Clerk.

Table 6 Key:
EU# = Emission Unit Number

B. The Permittee shall install and use an exhaust stack, as required in Table 7, on each of the Emission Units that is consistent with good air pollution control engineering practice and that discharges so as to not cause or contribute to a condition of air pollution. Each exhaust stack shall be configured to discharge the gases vertically and shall not be equipped with any part or device that restricts the vertical exhaust flow of the emitted gases, including but not limited to rain protection devices known as "shanty caps" and "egg beaters." The Permittee shall install and utilize exhaust stacks with the following parameters, as contained in Table 7 below, for the Emission Units that are regulated by this Plan Approval:

Table 7				
EU#	**Stack Height Above Ground (feet)**	**Stack Inside Exit Dimensions (inches)**	**Stack Gas Exit Velocity Range (feet per second)**	**Stack Gas Exit Temperature Range (ºF)**
1	35	76 x 42.5	13 - 53	200 - 500
2	31	1	19 - 27	500
3	31	1	19 - 27	500
4	31	1	19 - 27	500
5	17	0.5	99	1,100

Table 7 Key:
EU# = Emission Unit Number
ºF = Degree Fahrenheit

5. GENERAL CONDITIONS

The Permittee is subject to, and shall comply with, the following general conditions:

A. Pursuant to 310 CMR 7.01, 7.02, 7.09 and 7.10, should any nuisance condition(s), including but not limited to smoke, dust, odor or noise, occur as the result of the operation of the Facility, then the Permittee shall immediately take appropriate steps including shutdown, if necessary, to abate said nuisance condition(s).

B. If asbestos remediation/removal will occur as a result of the approved construction, reconstruction, or alteration of this Facility, the Permittee shall ensure that all removal/remediation of asbestos shall be done in accordance with 310 CMR 7.15 in its entirety and 310 CMR 4.00.

C. If construction or demolition of an industrial, commercial or institutional building will occur as a result of the approved construction, reconstruction, or alteration of this Facility, the Permittee shall ensure that said construction or demolition shall be done in accordance with 310 CMR 7.09(2) and 310 CMR 4.00.

D. Pursuant to 310 CMR 7.01(2)(b) and 7.02(7)(b), the Permittee shall allow MassDEP and / or USEPA personnel access to the Facility, buildings, and all pertinent records for the purpose of making inspections and surveys, collecting samples, obtaining data, and reviewing records.

E. This Plan Approval does not negate the responsibility of the Permittee to comply with any other applicable Federal, State, or local regulations now or in the future.

F. Should there be any differences between the Application and this Plan Approval, the Plan Approval shall govern.

G. Pursuant to 310 CMR 7.02(3)(k), MassDEP may revoke this Plan Approval if the construction work is not commenced within two years from the date of issuance of this Plan Approval, or if the construction work is suspended for one year or more.

H. This Plan Approval may be suspended, modified, or revoked by MassDEP if MassDEP determines that any condition or part of this Plan Approval is being violated.

I. This Plan Approval may be modified or amended when in the opinion of MassDEP such is necessary or appropriate to clarify the Plan Approval conditions or after consideration of a written request by the Permittee to amend the Plan Approval conditions.

J. The Permittee shall conduct emission testing, if requested by MassDEP, in accordance with USEPA Reference Test Methods and regulation 310 CMR 7.13. If required, a pretest protocol report shall be submitted to MassDEP at least 30 days prior to emission testing and the final test results report shall be submitted within 45 days after emission testing.

K. Pursuant to 310 CMR 7.01(3) and 7.02(3)(f), the Permittee shall comply with all conditions contained in this Plan Approval. Should there be any differences between provisions contained in the General Conditions and provisions contained elsewhere in the Plan Approval, the latter shall govern.

6. MASSACHUSETTS ENVIRONMENTAL POLICY ACT

MassDEP has determined that the filing of an Environmental Notification Form (ENF) with the Secretary of Energy & Environmental Affairs, for air quality control purposes, was not required prior to this action by MassDEP. Notwithstanding this determination, the Massachusetts Environmental Policy Act (MEPA) and 301 CMR 11.00, Section 11.04, provide certain "Fail-Safe Provisions," which allow the Secretary to require the filing of an ENF and/or an Environmental Impact Report (EIR) at a later time.

7. APPEAL PROCESS

This Plan Approval is an action of MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the date of issuance of this Plan Approval.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts, which are the grounds for the request, and the relief sought. Additionally, the request must state why the Plan Approval is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars ($100.00) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

This request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

MassDEP may waive the adjudicatory hearing-filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Enclosed is a stamped approved copy of the application submittal.

Should you have any questions concerning this Plan Approval, please contact the undersigned by telephone at 508-946-2824, or in writing at the letterhead address.

Thomas Cushing
Permit Chief
Bureau of Waste Prevention

Enclosure

cc: Taunton Board of Health
Taunton Fire Department
TRC, Attn: D. Cotter
DEP/SERO, Attn: M. Pinaud
L. Black
DEP/BWP/BC-Boston, Attn: Y. Tian